

Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 1614

Declaration Under 37 CFR 1.132

Applicant includes the following declaration that EP 664 133 was derived from the same inventor and owned by the same assignee as the present invention and thus is not the invention "by another". This Declaration should overcome the rejection of the claims on the basis of the patent to Rudin.

\*\*\*\*\*

Now comes Applicant's attorney of record, M. Robert Kestenbaum, Registration No. 20,430. I do hereby declare that I am the duly appointed representative for the co-inventors and assignee for US Patent Application 09/529,742. I do hereby declare and make the following unequivocal statement on behalf of the co-inventors and assignee, as their duly appointed representative:

- EP 664 133 and the present invention, US Patent Application 09/529,742, share the same assignee, Zakrytoe Aktsionernoe Obschestvo "Ostim".
- Further, the present invention, US Patent Application 09/529,742, was derived from the same inventor of EP 664 133 by co-inventors, who are also listed as co-inventors for US Patent Application 09/529,742.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.



September 17, 2003

M. Robert Kestenbaum, Registration No. 20,430  
Attorney of Record

\*\*\*\*\*

Rudin  
09/529,742  
(H)97OM1412USP

8